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A33403-PCT-USA-A / 072854.0114
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Potter et al.

Serial No. : 09/633,697 Examiner: Thomas C. McKenzie

Filed : August 7, 2000 Group Art Unit: 1624

For : HYDROXYLATION DRUG RELEASE

REQUEST FOR RECONSIDERATION TRANSMITTAL LETTER

June 4, 2002

BY EXPRESS MAIL NO. ET346778700US

BOX PATENT APPLICATION

Assistant Commissioner for Patents
Washington, DC 20231

RECEIVED
JUN 14 2002
TECH CENTER 1600/2900

Sir:

Transmitted herewith is a REQUEST FOR RECONSIDERATION WITH TECHNICAL AMENDMENTS, which is responsive to the Office Action dated December 5, 2001, to be made of record in the above-identified patent application.

Small Entity Status:

Small entity status of this application under 37 CFR 1.9 and 1.27

has been established previously. Such status is still proper and desired.

is claimed.

Extension of Time Request:

An extension of time to respond to the PTO communication is hereby requested. The required fee for extension, indicated below, is enclosed herewith.

Extension for response (check only one):

			OTHER THAN	
	<u>SMALL ENTITY</u>		<u>SMALL ENTITY</u>	
within first month under 1.17(a)(1)	[]	\$55.	[]	\$110.
within second month under 1.17(a)(2)	[]	\$200.	[]	\$400.
within third month under 1.17(a)(3)	[]	\$460.	[X]	\$920.
within fourth month under 1.17(a)(4)	[]	\$720.	[]	\$1,440.

[] An extension for ___ months has already been secured and the fee paid therefore of \$____ is deducted from the total fee due for the total months of extension now requested. The extension fee due with this request is \$____.

[X] In the event that an extension of time is required, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Fee Calculation:

[X] The fee has been calculated as shown below:

(Col. 1) Claims Remaining After <u>Amendment</u>	(Col. 2) Highest No. Previously <u>Paid For</u>	(Col. 3) Present Extra <u>Claims</u>	Small Entity <u>Rate</u>	Fee	OR	Other Than A Small Entity <u>Rate</u>	Fee
Total Claims* 17 minus** 20 = 0		0	x 9 =	\$0.00	x 18 =		\$0.00
Ind. Claims* 3 minus*** 3 = 0		0	x 0 =	\$0.00	x 80 =		\$0.00
() First Presentation of Multiple Dependent Claim			+ 135 =		+ 270 =		\$0.00
			Total Additional Fee	<u>\$0.00</u>			<u>\$0.00</u>

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid For" in this space is less than 20, write "20" in this space.

*** If the "Highest No. Previously Paid For" in this space is less than 3, write "3" in this space.

Method of Fee Payment:

- A check of \$920.00 is attached herewith (extension of time for three months)
- Please charge our Deposit Account no. 02-4377 in the amount of \$ _____. Two copies of this sheet are enclosed.
- The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 02-4377. Two copies of this sheet are enclosed.
- The Commissioner is conditionally authorized to charge payment of any fees associated with this application or credit any overpayment to Deposit Account No. 02-4377. Two copies of this sheet are enclosed.

Respectfully submitted,

BAKER BOTTS, L.L.P.



Louis S. Sorell

Patent Office Reg. No. 32,439

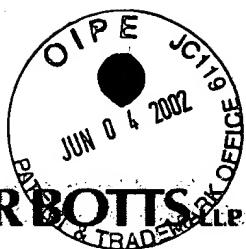
Alicia A. Russo

PTO Reg. No. 46,192

Attorneys for Applicants

(212) 408-2500

Enclosures



06-058-02

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JUN 14 2002

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BAKER BOTTS
& TRADEMARK OFFICE

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT	(\\$) 920
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Complete if Known	
Application Number	09/633,697
Filing Date	August 7, 2000
First Named Inventor	Potter et al.
Examiner Name	Thomas C. McKenzie
Group Art Unit	1624
Attorney Docket No.	A33403PCTUSA-A072854.0114

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																																	
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number 02-4377 Deposit Account Name Baker Botts LLP <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>2,520</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>920*</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1,840*</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>110</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>400</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>920</td><td>460</td><td>Extension for reply within third month</td><td>920</td></tr> <tr><td>1,440</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1,960</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>320</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>320</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>280</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1,510</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>110</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1,280</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1,280</td><td>640</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>460</td><td>230</td><td>Design issue fee</td><td></td></tr> <tr><td>620</td><td>310</td><td>Plant issue fee</td><td></td></tr> <tr><td>130</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>50</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>180</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>40</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>740</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>740</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>740</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>900</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="4">Other fee (specify) _____</td></tr> <tr> <td colspan="2">SUBTOTAL (1) (\\$) 0</td> <td colspan="2">SUBTOTAL (3) (\\$) 920</td> </tr> <tr> <td colspan="4"> *or number previously paid, if greater; For Reissues, see above *Reduced by Basic Filing Fee Paid </td> </tr> </tbody> </table>		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	For filing a request for ex parte reexamination		920*	920*	Requesting publication of SIR prior to Examiner action		1,840*	1,840*	Requesting publication of SIR after Examiner action		110	55	Extension for reply within first month		400	200	Extension for reply within second month		920	460	Extension for reply within third month	920	1,440	720	Extension for reply within fourth month		1,960	980	Extension for reply within fifth month		320	160	Notice of Appeal		320	160	Filing a brief in support of an appeal		280	140	Request for oral hearing		1,510	1,510	Petition to institute a public use proceeding		110	55	Petition to revive - unavoidable		1,280	640	Petition to revive - unintentional		1,280	640	Utility issue fee (or reissue)		460	230	Design issue fee		620	310	Plant issue fee		130	130	Petitions to the Commissioner		50	50	Processing fee under 37 CFR 1.17(q)		180	180	Submission of Information Disclosure Stmt		40	40	Recording each patent assignment per property (times number of properties)		740	370	Filing a submission after final rejection (37 CFR § 1.129(a))		740	370	For each additional invention to be examined (37 CFR § 1.129(b))		740	370	Request for Continued Examination (RCE)		900	900	Request for expedited examination of a design application		Other fee (specify) _____				SUBTOTAL (1) (\\$) 0		SUBTOTAL (3) (\\$) 920		*or number previously paid, if greater; For Reissues, see above *Reduced by Basic Filing Fee Paid			
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SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Alicia A. Russo	Registration No. (Attorney/Agent)	46,192	Telephone 212-408-2627
Signature	<i>Alicia A. Russo</i>		Date	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

#191D
6/20/02
C. Stiles

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Potter et al.
 Serial No. : 09/633,697 Examiner: McKenzie, T.
 Filed : August 7, 2000 Group Art Unit: 1624
 : HYDROXYLATION DRUG RELEASE

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June 4, 2002

By Express Mail No: ET346778700US

Assistant Commissioner of Patents
 Washington D.C. 20231

Sir:

This is in response to the Office Action dated December 5, 2001. This communication is filed concurrently with a Request for Extension of Time of 3 months together with the required fee, bringing the due date for response up through June 5, 2002. Please consider the following amendments and remarks.

~~03/29/2004 SDIRETAI 00000001 09633697
 01 FC:117 -920.00 OP~~

03/29/2004 SDIRETAI 00000001 09633697
 01 FC:2253
 460.00 OP

06/10/2002 AOSMANI 00000003 09633697
 01 FC:117
 920.00 OP

Refile Ref: 03/29/2004 SDIRETAI 0008120100
 DNN:024377 Name/Number:09633697
 FC: 2204 \$460.00 CR

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